

Criminal Misc. M- No. 861 of 2017 (O&M)

Date of decision : March 20, 2017

Randhir

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 1035 dated 17.09.2016 registered under Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Gurgaon, District Gurgaon.

It is submitted that the petitioner has been falsely implicated in this case as the complainant i.e. the petitioner's daughter was misled to believe that by the registration of such a case his habit of imbibing liquor and creating acrimonious situations at home, could be remedied. This is indicated in the proceedings before the Counsellor at the District Child Protection Office, Gurgaon after the registration of the above said FIR. It is stated by the complainant before the Counsellor that her father i.e. the petitioner used to imbibe liquor, physically abuse the family members and used abusive language. Tired of the same and as advised by neighbours, the said report was lodged. She has further stated that his behaviour has since been improved. The petitioner was subsequently taken in custody

on 07.11.2016. It is argued that at the time of the alleged incident, the complainant's mother and other siblings were present at home, thus, such an incident is highly improbable. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Prahlad Singh, Police Station Sadar Gurugram verifies the proceedings before the Counsellor, District Child Protection Office, Gurgaon on 21.10.2016. Learned counsel for the State, however, submits that the incident in question in fact was found to have been taken place, therefore, the petitioner was taken in custody. It is submitted that the challan/final report in this case under Section 173 Cr.P.C. has since been presented.

There are no allegations on behalf of the State that petitioner is likely to abscond, if released on bail. The trial, in this case, is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the peculiar facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 20, 2017

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No